

**[AMENDMENT HEADING TO BE ADDED]****OFFERED BY Mr.           Bishop**

Insert after section 2844, relating to renewal of Nevada Test and Training Range land withdrawal and reservation, the following new section (and redesignate subsequent section accordingly):

1   **SEC. 2845. CO-MANAGEMENT, NEW MEMORANDUM OF UN-**  
2                   **DERSTANDING, AND ADDITIONAL REQUIRE-**  
3                   **MENTS REGARDING NEVADA TEST AND**  
4                   **TRAINING RANGE.**

5       (a) DEFINITIONS.—In this section:

6           (1) The term “affected Indian tribe” means an  
7       Indian tribe that—

8                   (A) has historical connections to the land  
9       withdrawn and reserved as the Nevada Test  
10      and Training Range; and

11                  (B) retains a presence on lands near the  
12      Nevada Test and Training Range.

13           (2) The term “heavy force” means a military  
14      unit with armored motorized equipment, such as  
15      tanks, motorized artillery, and armored personnel  
16      carriers.

1           (3) The term “large force” means a military  
2           unit designated as a battalion or larger organiza-  
3           tional unit.

4           (4) The term “Nevada Test and Training  
5           Range” means the lands known as the Nevada Test  
6           and Training Range withdrawn and reserved by sec-  
7           tion 3011(b) of the Military Lands Withdrawal Act  
8           of 1999 (title XXX of Public Law 106–65; 113 Stat.  
9           886).

10          (5) The term “new memorandum of under-  
11          standing” means the memorandum of understanding  
12          required by subsection (c)(1).

13          (6) The term “overlapping lands” means the  
14          lands overlapping both the Nevada Test and Train-  
15          ing Range and the Desert National Wildlife Refuge.

16          (7) The term “Secretaries” means the Sec-  
17          retary of the Air Force and the Secretary of the In-  
18          terior acting jointly.

19          (8) The term “small force” means a military  
20          force of squad, platoon, or equivalent or smaller size.

21          (b) CO-MANAGEMENT OF FEDERAL LANDS OVER-  
22          LAPPING NEVADA TEST AND TRAINING RANGE AND  
23          DESERT NATIONAL WILDLIFE REFUGE.—The Secretaries  
24          shall co-manage the overlapping lands for both military  
25          and wildlife refuge purposes.

1 (c) MEMORANDUM OF UNDERSTANDING.—

2 (1) NEW MOU REQUIRED.—Not later than two  
3 years after the date of the enactment of this Act, the  
4 Secretaries shall prepare a memorandum of under-  
5 standing regarding the management of the overlap-  
6 ping lands for the purpose of facilitating the co-man-  
7 agement of the overlapping lands as required by sub-  
8 section (b).

9 (2) RELATION TO EXISTING MOU.—The new  
10 memorandum of understanding shall supersede the  
11 memorandum of understanding referred to in sub-  
12 paragraph (E) of section 3011(b)(5) of the Military  
13 Lands Withdrawal Act of 1999 (title XXX of Public  
14 Law 106–65; 113 Stat. 888). Clauses (ii), (iii), and  
15 (iv) of such subparagraph shall apply to the new  
16 memorandum of understanding in the same manner  
17 as such clauses applied to the superseded memo-  
18 randum of understanding .

19 (d) ELEMENTS OF NEW MEMORANDUM OF UNDER-  
20 STANDING.—

21 (1) IN GENERAL.—Subject to the dispute reso-  
22 lution process required by subsection (e), the new  
23 memorandum of understanding shall include, at a  
24 minimum, provisions to address the following:

1 (A) The proper management and protec-  
2 tion of the natural and cultural resources of the  
3 overlapping lands.

4 (B) The sustainable use by the public of  
5 such resources to the extent consistent with ex-  
6 isting laws and regulations, including applicable  
7 environmental laws.

8 (C) The use of the overlapping lands for  
9 the military purposes for which the lands are  
10 withdrawn and reserved.

11 (2) CONSULTATION.—The Secretaries shall pre-  
12 pare the new memorandum of understanding in con-  
13 sultation with the following:

14 (A) The resource consultative committee.

15 (B) Affected Indian tribes.

16 (3) TRIBAL ISSUES.—The new memorandum of  
17 understanding shall include provisions to address the  
18 manner in which the Secretary of the Air Force will  
19 accomplish the following:

20 (A) Meet the United States trust respon-  
21 sibilities with respect to affected Indian tribes,  
22 tribal lands, and rights reserved by treaty or  
23 Federal law affected by the withdrawal and res-  
24 ervation of the overlapping lands.

1 (B) Guarantee reasonable access to, and  
2 use by members of affected Indian tribes of  
3 high priority cultural sites throughout the Ne-  
4 vada Test and Training Range, including the  
5 overlapping lands, consistent with the reserva-  
6 tion of the lands for military purposes.

7 (C) Protect identified cultural and archae-  
8 ological sites throughout the Nevada Test and  
9 Training Range, including the overlapping  
10 lands, and, in the event of an inadvertent  
11 ground disturbance of such a site, implement  
12 appropriate response activities to once again fa-  
13 cilitate historic and subsistence use of the site  
14 by members of affected Indian tribes.

15 (D) Provide for timely consultation with  
16 affected Indian tribes as required by paragraph  
17 (2).

18 (4) DEPARTMENT OF THE INTERIOR ACCESS.—  
19 The new memorandum of understanding shall en-  
20 sure that the Secretary of the Interior has regularly  
21 access to the overlapping lands to carry out the  
22 management responsibilities of the Secretary of the  
23 Interior regarding the Desert National Wildlife Ref-  
24 uge, including the following:

1 (A) The installation or maintenance of  
2 wildlife water development projects.

3 (B) The conduct of annual desert bighorn  
4 sheep surveys.

5 (C) The management of the annual desert  
6 bighorn sheep hunt in accordance with the Na-  
7 tional Wildlife Refuge System Administration  
8 Act of 1966 (16 U.S.C. 668dd–668ee).

9 (D) The conduct of annual biological sur-  
10 veys for the Agassiz’s desert tortoise and other  
11 federally protected species, State-listed and at-  
12 risk species, migratory birds, golden eagle nests  
13 and rare plants.

14 (E) The conduct of annual invasive species  
15 surveys and treatment.

16 (F) The conduct of annual contaminant  
17 surveys of soil, springs, groundwater and vege-  
18 tation.

19 (G) The regular installation and mainte-  
20 nance of climate monitoring systems.

21 (H) Such additional access opportunities,  
22 as needed, for wildlife research, including Glob-  
23 al Positioning System collaring of desert big-  
24 horn sheep, bighorn sheep disease monitoring,  
25 investigation of wildlife mortalities, and deploy-

1           ing, maintaining, and retrieving output from  
2           wildlife camera traps.

3           (5) HUNTING, FISHING, AND TRAPPING.—The  
4           new memorandum of understanding shall include  
5           provisions to require that any hunting, fishing, and  
6           trapping on the overlapping lands is conducted in  
7           accordance with section 2671 of title 10, United  
8           States Code.

9           (6) OTHER REQUIRED MATTERS.—The new  
10          memorandum of understanding also shall include  
11          provisions regarding the following:

12                (A) The identification of current test and  
13                target impact areas and related buffer or safety  
14                zones, to the extent consistent with military  
15                purposes.

16                (B) The design and construction of all  
17                gates, fences, and barriers in the overlapping  
18                lands, to be constructed after the date of the  
19                enactment of this Act, in a manner to allow  
20                wildlife access, to the extent practicable and  
21                consistent with military security, safety, and  
22                sound wildlife management use.

23                (C) The incorporation of any existing man-  
24                agement plans pertaining to the overlapping  
25                lands to the extent that the Secretaries, upon

1 review of such plans, determine that incorpora-  
2 tion into the new memorandum of under-  
3 standing is appropriate.

4 (D) Procedures to ensure periodic reviews  
5 of the new memorandum of understanding are  
6 conducted by the Secretaries, and that the  
7 State of Nevada, affected Indian tribes, and the  
8 public are provided a meaningful opportunity to  
9 comment upon any proposed substantial revi-  
10 sions.

11 (e) RESOLUTION OF DISPUTES.—

12 (1) DISPUTE RESOLUTION PROCESS.—The Sec-  
13 retary of the Air Force shall be responsible for the  
14 resolution of any dispute concerning the new memo-  
15 randum of understanding or any amendment there-  
16 to.

17 (2) CONSULTATION.—The Secretary of the Air  
18 Force shall make a decision under this subsection  
19 only after consultation with the Secretary of the In-  
20 terior, acting through the Regional Director of the  
21 United States Fish and Wildlife Service, and the co-  
22 ordinator of the resource consultative committee.

23 (3) GOAL.—The Secretary of the Air Force  
24 shall seek to resolve disputes under this subsection  
25 in a manner that provides the greatest access to the



1 overlapping lands to the public and to other Federal  
2 agencies and is protective of cultural and natural re-  
3 sources to the greatest extent possible consistent  
4 with the purposes for which the overlapping lands  
5 are reserved.

6 (f) RESOURCE CONSULTATIVE COMMITTEE.—

7 (1) ESTABLISHMENT REQUIRED.—The Secre-  
8 taries shall establish, pursuant to the new memo-  
9 randum of understanding, a resource consultative  
10 committee comprised of representatives from inter-  
11 ested Federal agencies, as well as at least one elect-  
12 ed officer (or other authorized representative) from  
13 the State of Nevada, and at least one elected officer  
14 (or other authorized representative) from each local  
15 and tribal government impacted by the Nevada Test  
16 and Training Range, as may be designated at the  
17 discretion of the Secretaries.

18 (2) PURPOSE.—The resource consultative com-  
19 mittee shall be established solely for the purpose of  
20 exchanging views, information, and advice relating  
21 to the management of the natural and cultural re-  
22 sources of the Nevada Test and Training Range.

23 (3) OPERATIONAL BASIS.—The resource con-  
24 sultative committee shall operate in accordance with  
25 the terms set forth in the new memorandum of un-

1 understanding, which shall specify the Federal agencies  
2 and elected officers or representatives of State, local,  
3 and tribal governments to be invited to participate.  
4 The memorandum of understanding shall establish  
5 procedures for creating a forum for exchanging  
6 views, information, and advice relating to the man-  
7 agement of natural and cultural resources on the  
8 lands concerned, procedures for rotating the chair of  
9 the committee, and procedures for scheduling reg-  
10 ular meetings.

11 (4) COORDINATOR.—The Secretaries shall ap-  
12 point an individual to serve as coordinator of the re-  
13 source consultative committee. The duties of the co-  
14 ordinator shall be included in the new memorandum  
15 of understanding. The coordinator shall not be a  
16 member of the committee.

17 (g) AUTHORIZED AND PROHIBITED ACTIVITIES.—

18 (1) AUTHORIZED ACTIVITIES.—Military activi-  
19 ties on the overlapping lands are authorized for the  
20 following purposes:

21 (A) Emergency response.

22 (B) Establishment and use of existing or  
23 new electronic tracking and communications  
24 sites.

25 (C) Establishment and use of drop zones.

1 (D) Use and maintenance of roads in ex-  
2 istence as of the date of the enactment of this  
3 Act.

4 (E) Small force readiness training by Air  
5 Force, Joint, or Coalition forces, including  
6 training using small motorized vehicles both on-  
7 and off-road, in accordance with applicable  
8 interagency agreements.

9 (2) PROHIBITED ACTIVITIES.—Military activi-  
10 ties on the overlapping lands are prohibited for the  
11 following purposes:

12 (A) Large force or heavy force activities.

13 (B) Designation of new weapon impact  
14 areas.

15 (C) Any ground disturbance activity not  
16 authorized by paragraphs (1) and (2) of sub-  
17 section (c).

18 (3) RULES OF CONSTRUCTION.—Nothing in  
19 this subsection shall be construed to preclude—

20 (A) low-level overflights of military air-  
21 craft, the designation of new units of special  
22 use airspace, or the use or establishment of  
23 military flight training routes over the overlap-  
24 ping lands; or

1 (B) the Secretaries from entering into the  
2 new memorandum of understanding or any  
3 amendment thereto concerning the activities au-  
4 thorized by paragraph (1).

5 (h) TRIBAL LIAISON POSITIONS.—

6 (1) ACCESS COORDINATOR.—The Secretary of  
7 the Air Force shall create a tribal liaison position for  
8 the Nevada Test and Training Range, to be held by  
9 a member of an affected Indian tribe, who will help  
10 coordinate access to cultural and archaeological sites  
11 throughout the Nevada Test and Training Range  
12 and accompany members of Indian tribes accessing  
13 such sites.

14 (2) CULTURAL RESOURCES LIAISON.—The Sec-  
15 retary of the Air Force shall create a tribal liaison  
16 position for the Nevada Test and Training Range, to  
17 be held by a member of an affected Indian tribe,  
18 who will serve as a tribal cultural resources liaison  
19 to ensure that—

20 (A) appropriate steps are being taken to  
21 protect cultural and archaeological sites  
22 throughout the Nevada Test and Training  
23 Range; and

24 (B) the management plan for the Nevada  
25 Test and Training Range is being followed.

1       (i) FISH AND WILDLIFE LIAISON.—The Secretaries  
2 shall create a Fish and Wildlife Service liaison position  
3 for the Nevada Test and Training Range, to be held by  
4 a Fish and Wildlife Service official designated by the Di-  
5 rector of the United States Fish and Wildlife Service, who  
6 will serve as a liaison to ensure that—

7           (1) appropriate steps are being taken to protect  
8 Fish and Wildlife Service managed resources  
9 throughout the Nevada Test and Training Range;  
10 and

11          (2) the management plan for the Nevada Test  
12 and Training Range is being followed.

